

## TESTIMONY - N.J.A.C. 6A:9, PROFESSIONAL LICENSURE AND STANDARDS

September 17, 2008

## NEW JERSEY SPEECH-LANGUAGE-HEARING ASSOCIATION

Good afternoon, my name is Sue Goldman and I am representing New Jersey Speech-Language-Hearing Association. NJSHA submitted testimony on the SLS upgrade and emergency certificate during the month of July (copy enclosed). We would like to commend the board for extending the upgrade program until 2015, and we are anticipating that the Board will make appropriate changes to the regulations pertaining to the emergency certificate.

According to NJSHA's information, the proposed regulations are not in line with federal regulations. OSEP in Washington was contacted concerning the IDEA regulation, *34 CFR sec.300.156(b)(2)(ii)*, which states "*consistent with section 612(a)(14)(B)(ii) of the Act, which requires States to ensure that related services personnel who deliver services in their discipline or profession have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.*"

Deborah J. Morrow, Ph.D., Special Assistant to the Director, Monitoring and State Improvement Planning Division stated in reference to the above regulation, "*a State may not grant emergency certification to allow a district to hire emergency personnel in place of speech-language pathologists who meet applicable State personnel qualifications.*"

Currently New Jersey regulations contradict the above regulation. N.J.A.C. 6A:9.6.3 (b) allows a district to hire a candidate on an emergency certificate over one who is duly certified if the SLS or Speech Correctionist is not felt to be "*suitable*." NJSHA once again requests that the word suitable be deleted for all applicants for an emergency certificate for speech-language specialists. **In addition**, New Jersey regulations need to clearly specify that any duly certified SLS or Speech Correctionist who applies for a position **must** be hired over emergency personnel.

We ask that you institute these changes in regulations not only because what exists is against federal regulations but also because it hurts children with speech-language disabilities. It is impossible for children to receive a free appropriate public education when they are receiving services from someone who may have only three graduate courses in the field because that person is



not matriculated. This would be like going to a doctor who has had only three courses in medical school. For this reason we have also requested that you change the wording in the regulations relative to the Master's degree to be "**matriculated**" in a master's program as opposed to your wording of being "**enrolled**" in the program. If a person on an emergency is not matriculated, that individual can literally have only 3 courses and be allowed to provide services. Some individuals take 3 courses in one university and 3 more in another but are never accepted (or matriculated) into a program. If an individual is matriculated, they must first take the undergraduate prerequisites that will at least give them a foundation on which to proceed.

The field of speech-language pathology is quite complex and there are more and more severely disabled children in schools who deserve their best shot at being able to communicate and read/write and comprehend language and academics effectively. Language is the basis of all curriculum and children with speech-language disorders that remain unaddressed or that are inappropriately addressed will remain at risk for learning. New Jersey's lax regulations and poor monitoring regarding status of emergency certificates have allowed individuals with only 3 graduate courses and virtually no foundation in the field to work with students who have severe speech-language and learning disorders, such as autism, apraxia, dysarthria and processing and cognitive impairments.

We also request that the NJDOE take immediate action to implement the mandate of Section 300.156(d) of IDEA 2004 which states "a State must adopt a policy that includes a requirement that LEAs in the State take measurable steps to recruit, hire, train and retain highly qualified personnel to provide special education and related services under this part to children with disabilities." NJSHA has been discussing creating more graduate programs in New Jersey with the New Jersey Department of Education for years, yet two graduate departments have closed instead of more being created. Creation of more departments would alleviate the necessity for emergency certificates in New Jersey.

We implore you to change the regulations and find a more effective way of monitoring abuse of the emergency certificate in SLP for the welfare of language learning disabled students in New Jersey. Thank you.